

**IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CRAIGVILLE TELEPHONE CO. d/b/a)	
ADAMSWELLS; and CONSOLIDATED)	
TELEPHONE COMPANY d/b/a CTC)	
)	
Plaintiff,)	No. 1:19-cv-07190
)	
vs.)	Hon. John Z. Lee
)	
T-MOBILE USA, INC.; and)	
INTELIQUENT, INC.)	
)	
Defendants.)	

**MOTION TO ESTABLISH DATE FOR INITIAL DISCLOSURES
AND TO COMMENCE DISCOVERY**

Plaintiffs Craigville Telephone Co. d/b/a AdamsWells and Consolidated Telephone Company d/b/a CTC (collectively “Plaintiffs”), by counsel, and pursuant to Federal Rules of Civil Procedure 12(a)(4) & 26(a)(1)(C) and the Amended Standing Order Regarding Mandatory Initial Discovery Pilot Project (“MIDP”) ¶ 3, hereby moves the Court to establish a deadline for the parties to provide the initial disclosures required by the MIDP Amended Standing Order and to permit the commencement of discovery notwithstanding the Defendants’ plans to file Motions to Dismiss.

This is a case that stems from an express admission of illegal conduct. Defendant T-Mobile USA, Inc. (“T-Mobile”) admitted in an April 2018 Consent Decree with the Federal Communications Commission (“FCC”) (“Consent Decree”), that it engaged in a protracted and illegal scheme which cheated its customers and carriers like Plaintiffs and which involved the use of fake ring tones that impacted hundreds of millions of calls annually. (ECF No. 19 ¶ 1.) T-Mobile admitted in the Consent Decree that its conduct violated rules expressly adopted by the

FCC that prohibit insertion of fake ring tones, and by failing to oversee its intermediate providers—including Defendant Inteliquent, Inc. (*Id.* at ¶¶ 2-5.) The Amended Complaint alleges that T-Mobile and Inteliquent provided degraded service as part of an effort to avoid high cost call termination charges and used fake ring tones to mask the degraded service. Due to T-Mobile's concessions of wrongdoing and admitted violations of the Communications Act of 1934, this is an appropriate case for the Court to exercise its broad discretion to order that discovery begin notwithstanding Defendants' upcoming Motions to Dismiss. (*Id.* at ¶¶ 4-5.) A Memorandum of Law in support of this Motion is attached hereto.

Dated: December 26, 2019

Respectfully submitted,

/s/ David T.B. Audley

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 26, 2019, I electronically filed the foregoing **PLAINTIFFS' MOTION TO ESTABLISH DATE FOR INITIAL DISCLOSURES AND TO COMMENCE DISCOVERY**, with the Clerk of Court using the Court's CM/ECF electronic filing system, which will automatically send e-mail notification of such filing to the following attorneys of record:

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